

Remarks/Arguments

Claims 22, 25, 27, 28, 30 and 32-43 are pending in the present application. Claims 1-21, 23, 24, 26, 29, and 31 were previously cancelled. All pending claims have been rejected. Claims 22, 25, 27, 28, 30, 32, 33 and 38-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 9912977.7 to Ramsey et al. (the Examiner has relied on the disclosure of WO 00/750032 for Ramsey) in view of US 6,089,411 to Baudin et al. Claims 34-37 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. In response, Applicant has amended independent claim 22, cancelled claims 42 and 43 and added new claims 44 and 45. All amendments are fully supported by the original specification. No new matter has been added. These amendments were presented as an Amendment After Final, filed October 30, 2009, in response to the Final Office Action dated August 17, 2009; however, the responsive advisory action of November 9, 2009 indicated that the amendments would not be entered because they raise new issues that would require further consideration and/or search. Applicant believes all claims are in proper form for allowance and offers the following argument in support thereof.

Amended Claim 22:

Independent claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsey in view of Baudin. The Applicant cannot agree with this rejection because each and every limitation of claim 15 is not taught individually or in combination by Ramsey and Baudin. In addition, claim 22 has been amended. Amended claim 22 requires, in-part, "a

constriction / notch [94] is provided in said transition zone between the connecting wall [84] and the membrane [82] on a side facing away from the container". This amendment is fully supported by the original specification, in at least Figure 8, and paragraph [0131]. The prior art does not teach this limitation. In contrast, Ramsey teaches a self-closing valve for dispensing flowable material, as seen in Figures 5 and 6, having a curved membrane (5) connected to a retaining ring (10) by a valve seat (6). (Page 10, lines 25-30; see also Figures 5 & 6). Ramsey's valve seat (6) smoothly connects between Ramsey's curved membrane (5) and retaining ring (10) without a "notch" present therein. As such, Ramsey fails to teach "a constriction / notch [94] is provided in said transition zone between the connecting wall [84] and the membrane [82] on a side facing away from the container" as is required by Applicant's claim 22.

Baudin does not cure the deficiencies of Ramsey. Baudin teaches various valve members (44, 45, 46, 47, 48, 49; see Figures 4-9) having a membrane (42a, 42b, 42c, 42d, 42e, 42f, respectively, see Figures 4-9). However, Baudin fails to teach a notch located between the valve members and the membrane in each of these embodiments. Id. Accordingly, Baudin fails to teach each and every limitation of Applicant's claim 22.

In addition, the amended limitation to claim 22 further supports the features that substantially no or only minimal torque is transferred from the connecting wall to the membrane and that the transition zone between the connecting wall and the membrane is configured in a hinge-like manner already mentioned in present claim 22. Accordingly, the prior art to Ramsey and Baudin, individually or in combination, fails to teach each and every limitation of Applicant's claim 22, and Applicant

respectfully requests allowance of claim 22, and all claims which depend therefrom.

New Claim 44:

New claim 44 is based on amended claim 22. Instead of the new limitation added to claim 22, new claim 44 has the limitation of "said area [106] of the connecting wall [84] extending upwardly in curved fashion is at least approximating a semi-spherical shape, the center of its curve being positioned to face away from the container". This amendment is fully supported by the original specification, in at least Figure 8, and paragraph [0133]. The prior art does not teach this limitation. In contrast, Ramsey teaches a self-closing valve for dispensing flowable material, as seen in Figures 5 and 6, having a curved membrane (5) connected to a retaining ring (10) by a valve seat (6). (Page 10, lines 25-30; see also Figures 5 & 6). Ramsey's valve seat (6) smoothly connects between Ramsey's curved membrane (5) and retaining ring (10) in a relatively straight fashion. (See Figures 5 & 6). As such, Ramsey fails to teach "said area [106] of the connecting wall [84] extending upwardly in curved fashion is at least approximating a semi-spherical shape, the center of its curve being positioned to face away from the container".

Baudin does not cure the deficiencies of Ramsey. Baudin teaches various valve members (44, 45, 46, 47, 48, 49; see Figures 4-9) having a membrane (42a, 42b, 42c, 42d, 42e, 42f, respectively, see Figures 4-9). Similarly, Baudin's Figures 4-9 teach a straight valve member (44, 45, 46, 47, 48, 49). Although Baudin's membrane (42c and 42d) in Figures 6 and 7 may be curved, these figures do not teach a connecting wall that is

curved. Accordingly, Baudin fails to teach each and every limitation of Applicant's claim 22.

In addition, the amended limitation to claim 44 further supports the features that substantially no or only minimal torque is transferred from the connecting wall to the membrane and that the transition zone between the connecting wall and the membrane is configured in a hinge-like manner already mentioned in present claim 22. Accordingly, the prior art to Ramsey and Baudin, individually or in combination, fails to teach each and every limitation of Applicant's claim 44, and Applicant respectfully requests allowance of claim 44, and all claims which depend therefrom.

New Claim 45:

New claim 45 contains all the limitations of both independent claims 22 and 44. For this reason Applicant reiterates the above arguments and respectfully requests allowance of new claim 45.

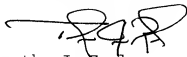
Conclusion

In view of the above remarks and arguments, Applicant believes that claims 22, 25, 27, 28, 30, 32-41, 44 and 45 are in condition for allowance and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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